

MEMO ENDORSED

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June 2, 2023

**By ECF**

Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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**Re: *United States v. Michael Buffoleno, 22 Cr. 642 (ALC)***

Dear Judge Carter:

I write without objection from the Government to respectfully request a 90-day adjournment of the conference presently scheduled for June 13, 2023 in the above-captioned case.

Mr. Buffoleno has been suffering from severe back pain and related nerve problems. His pain is so acute that it has prevented him from traveling from Long Island to meetings in my office and from spending as much time as he would like reviewing discovery in his case and discussing it with counsel. Last week, his surgeon ordered emergency surgery, a spinal fusion of discs that are bulging and/or herniated, to address the pain and prevent him from suffering permanent nerve damage. Mr. Buffoleno's diagnoses are outlined in the attached letter from neurosurgeon Dr. Harry Mushlin, who explains that Mr. Buffoleno's pain is "severe in nature and is affecting his ambulation and daily living." Mr. Buffoleno's surgery is scheduled for June 6, 2023 and will be followed by a five-day inpatient stay and six to eight weeks of light activity and physical therapy to make sure that he can walk.

The 90-day adjournment I request would allow Mr. Buffoleno to review discovery with counsel and participate in discussions with the Government about a pretrial resolution. Mr. Buffoleno therefore consents to the exclusion of time under the Speedy Trial Act until the next conference date set by the Court.

This is the second request by any party for an adjournment in this case. Thank you for considering it.

Respectfully submitted,

/s/ Ariel Werner  
Ariel Werner  
Assistant Federal Defender  
917.751.2050

cc: counsel of record

The application is **GRANTED**. The status conference is adjourned to 9/7/23 at 12:00 p.m. Time excluded from 6/13/23 to 9/7/23 in the interest of justice.

So Ordered.

*Andrew L. Carter*  
6-5-23